

Docket No.: PF-0539 USN

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By: Kathleen K. Muto

Printed Name: Kathleen K. Muto

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lal et al.

Title: PROTEINS REGULATING GENE EXPRESSION

Serial No.: 09/701,674 Filing Date: November 28, 2000

Examiner: To Be Assigned Group Art Unit: To Be Assigned

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Box PCT  
Commissioner for Patents  
Washington, D.C. 20231

### RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. § 371

Sir:

In response to the "Notice to File Missing Requirements" mailed by the United States Patent and Trademark Office on **May 3, 2001**, Applicants submit the following documents to complete the filing for the above-identified patent application:

1. Return postcard;
2. Copy of Notification of Missing Requirements Under 35 U.S.C. § 371 dated **May 3, 2001** (1 pg.);
3. **Executed** Declaration and Power of Attorney for United States Patent Application (7 pp.);
4. Request to Transfer (1 pg., in duplicate); and
5. Copy of Notification to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures dated **May 3, 2001** (1 pg.).

Patent Department  
Received

MAY - 8 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. APPLICATION NO.

09/701674

Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20591-0000  
www.uspto.gov

FIRST NAMED APPLICANT

LAL P

ATTY/EXPT. NO.

PF-0539 USN

INTERNATIONAL APPLICATION NO.

PCT/US99/13281

1A. FILING DATE

11 JUN 99

PRIORITY DATE

12 JUN 98

DATE MAILED 03 JUN 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:

- a Designated Office (37 CFR 1.494)  an Elected Office (37 CFR 1.495)
- U.S. Basic National Fee
- Copy of the international application  Indication of Small Entity Status
- Oath or Declaration of inventor(s)  Translation of the international application into English
- Copy of Article 19 amendments  Translation of Article 19 amendments into English
- Priority Document  Other
- The International Preliminary Examination Report in English and its Annexes, if any  Translation of Annexes to the International Preliminary Examination Report into English

2.  Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment:

- U.S. Basic National Fee  Copy of the international application

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a.  Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date
- The current translation is defective for the reasons indicated on the attached Notice of Defective Translation
- b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f))
- c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917
- d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e))

4. Additional claim fees of \$  as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5.  Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date or  30 (37 CFR 1.495(d)) months from the priority date

7. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) months from the priority date

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

*A copy of this notice MUST be returned with this response.*

Enclosed:  PCT/DO/EO/917  Notice of Defective Translation  
 PTO-875  PCT/DO/EO/920

FORM PCT/DO/EO/905 (March 2001)

Kaya Baltimore  
Telephone 703-305-3696



REC'D PCT/PTO JUL 2001  
9/7/01 674

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Please charge the following fees to **Deposit Account No. 09-0108**:

Basic surcharge fee for filing the declaration under 37 CFR 1.492(e) \$ 130.00

Total fees charged to Deposit Account No. 09-0108: \$ 130.00

If the Patent Office determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) **Deposit Account No. 09-0108**.

If there are any questions regarding the above, the Examiner is invited to call the undersigned at 650-855-0555.

This response is enclosed in **duplicate**.

Respectfully submitted,

INCYTE GENOMICS, INC.

Date: 3 July 2001

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